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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,850	02/22/2002	Toshio Inaji	56937-047	7536

7590 08/22/2005

McDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER

RODRIGUEZ, GLENDA P

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/079,850

Applicant(s)

INAJI ET AL.

Examiner

Glenda P. Rodriguez

Art Unit

2651

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Particularly on the independent Claims found in Claims 5-21. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 2, 5, 8, 11, 14, 17 and 20.
Claim(s) rejected: 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19 and 21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


(Explanation form Item 7 of Advisory Action)

Claims 1 and 4 remain in view of Patton et al. Claim 2 remains objected and Claim 3 remains rejected under the combination of Patton et al. and Codilian et al.

Response to Arguments made in Applicants reply on 7/26/05:

Firstly, the Examiner has provided with the definition from Microsoft Reference which was used for the word "signal".

Second, the Applicant argues that: "Patton does not discuss or even recognize determining two separate and distinct signals, let alone disclose a voltage, as required by the express claim element <<a disturbance estimation section for estimating the magnitude of a disturbance exerted on said head from the voltage signal by said voltage detection section and a drive signal from said drive section>>". The Examiner does not concur with the Applicant by the following reason; in Fig. 3, the adder (36) receives the voltage from the VCM driver circuit along with the Rs signal and Inductor circuits which both drive the actuator as well (therefore it receives three signals, from the voltage VCM and the one given from the IR circuit and the IL circuit). Therefore, three signals are received. These signals are then added by adder 36, providing a single disturbance information signal (which would be the BEMF signal, which detects shocks or disturbances in the medium, See Summary of Patton et al.), which is then compared by the threshold detector which determines if the positioning is adequate and if writing would have to be in a allowable range (See Col. 6, L. 62-67 of Patton, Also see Col. 7, L. 1-25, which discloses normal or allowable disturbances and it also indicates when is the disturbance serious enough to cause a write inhibit command. Also in Fig. 3, Patton et al. teaches a threshold adjust (40) which adjusts to the received disturbance signal (BEMF signal). See also in Col. 9, L. 63 - Col. 10, L. 9).



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signal (n)

Synonyms: **sign**, indication, gesture, indicator, motion, warning sign, hint, pointer

signal



sig·nal [sĭgn'ĭ]

noun (*plural* sig·nals)

Definitions:

- 1. means of communication:** an action, gesture, or sign used as a means of communication
- 2. communicated information:** a piece of information communicated by an action, gesture, or sign
- 3. incitement:** something that incites somebody to action
 - *The threat of a shortage was a signal to hoard.*
- 4. ELECTRONICS transmitted information:** information transmitted by means of a modulated current or an electromagnetic wave and received by telephone, telegraph, radio, television, or radar

adjective

Definitions:

- notable:** of considerable importance
- *a signal accomplishment*

verb (*past and past participle* sig·naled, *present participle* sig·nal·ing, *3rd person present singular* sig·nals)

Definitions:

- 1. transitive and intransitive verb send message using signal:** to communicate a message to somebody using a signal or signals
- 2. transitive verb communicate something:** to communicate something with an action or gesture
 - *She signaled her impatience.*

3. transitive verb indicate something: to be a sign that something has happened or is about to happen

- *This event signaled the end of the conflict.*

[14th century. Via French < medieval Latin *signale* < Latin *signum* "mark, sign"]

- **sig·nal·ern**